



## UNITED STATES PATENT AND TRADEMARK OFFICE

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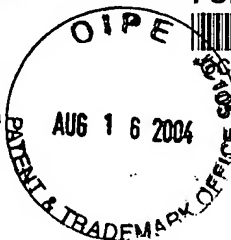
| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/789,461         | 02/26/2004             | Justin P. Marston     | 23682-07629            |

00758  
 FENWICK & WEST LLP  
 SILICON VALLEY CENTER  
 801 CALIFORNIA STREET  
 MOUNTAIN VIEW, CA 94041

Fenwick &amp; West

MAY 24 2004

Received



CONFIRMATION NO. 5169

## FORMALITIES LETTER



\*0000000012718711\*

Date Mailed: 05/20/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$108** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$558** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$108**

08/17/2004 BABRAHA1 00000071 10789461

01 FC:2001

02 FC:2051

03 FC:2202

385.00 OP

65.00 OP

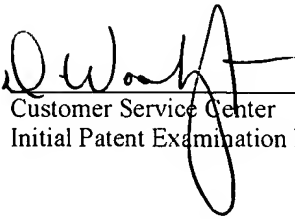
108.00 OP

★ \$108 for 12 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
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P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



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|  |  |                        |  |                        |                   |
|--|--|------------------------|--|------------------------|-------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence during pendency of filed application)</i> |  | 0001/PTO<br>Rev. 10/95 | U.S. Department of Commerce<br>Patent and Trademark Office | Application Number     | 10/789,461        |
|  |  |                        |  | Filing Date            | February 26, 2004 |
|  |  |                        |  | First Named Inventor   | Justin P. Marston |
|  |  |                        |  | Group Art Unit Number  | Not yet known     |
|  |  |                        |  | Examiner Name          | Not yet known     |
| Total Number of Pages in This Submission   |  | 8                      |  | Attorney Docket Number | 23682-07629       |

| ENCLOSURES (check all that apply)   |  |
|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)<br><input checked="" type="checkbox"/> Check Enclosed \$ 613.00 | <input type="checkbox"/> Issue Fee Transmittal   |
| <input checked="" type="checkbox"/> Return Receipt Postcard   | <input type="checkbox"/> Letter to Chief Draftsperson  |
| <input checked="" type="checkbox"/> Response to Notice to File Missing Parts of Nonprovisional Application                              | <input type="checkbox"/> Formal Drawing(s):<br>[ ] Sheet(s) of Figure(s) [ ]                   |
| <input type="checkbox"/> Assignment & Recordation Cover Sheet   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences            |
| <input checked="" type="checkbox"/> Combined Declaration (37 CFR 1.63) and Power of Attorney for Utility or Design Patent Application   | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> Power of Attorney  | <input type="checkbox"/> Certified Copy of Priority Document(s)                                |
| <input type="checkbox"/> Application Data Sheet   | <input type="checkbox"/> After Allowance Communication to Group                                |
| <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A<br><input type="checkbox"/> Copies of IDS Cited References       | <input checked="" type="checkbox"/> Notice to File Missing Parts of Nonprovisional Application |
| <input type="checkbox"/> Request for Corrected Filing Receipt   | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Request for Correction of Recorded Assignment  | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Amendment/Response: [ ] Page(s)<br><input type="checkbox"/> After Final  | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Status Request   | <input type="checkbox"/> _____   |
| <input type="checkbox"/> Revocation and Substitute Power of Attorney  | <input type="checkbox"/> _____   |
| REMARKS:  |  |

| SIGNATURE OF ATTORNEY OR AGENT |                                   |                |
|--------------------------------|-----------------------------------|----------------|
| Signature:                     |                                   |                |
| Attorney/Reg. No.:             | Brian M. Hoffman, Reg. No. 39,713 | Dated: 8/11/04 |

| CERTIFICATE OF MAILING   |                  |                |
|--|------------------|----------------|
| I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10. |                  |                |
| Signature:   |                  |                |
| Typed or Printed Name:   | Brian M. Hoffman | Dated: 8/11/04 |
| Express Mail Mailing Number (optional):  |                  |                |

# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT \$ 613.00**

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/789,461        |
| Filing Date          | February 26, 2004 |
| First Named Inventor | Justin P. Marston |
| Examiner Name        | Unknown           |
| Art Unit             | Unknown           |
| Attorney Docket No.  | 23682-07629       |

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid         |
|---------------------|----------|--------------|----------|------------------------|------------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |                  |
| 1001                | 770      | 2001         | 385      | Utility filing fee     | 385              |
| 1002                | 340      | 2002         | 170      | Design filing fee      |                  |
| 1003                | 530      | 2003         | 265      | Plant filing fee       |                  |
| 1004                | 770      | 2004         | 385      | Reissue filing fee     |                  |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |                  |
| <b>SUBTOTAL (1)</b> |          |              |          |                        | <b>\$ 385.00</b> |

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    | Extra Claims |          | Fee from below | Fee Paid |
|--------------------|--------------|----------|----------------|----------|
| Total Claims       | 32           | -20**=12 | X 9            | = 108    |
| Independent Claims | 3            | -3**=0   | X 43           | = 0      |
| Multiple Dependent |              |          |                | =        |

| Large Entity |          | Small Entity |          | Fee Description   |
|--------------|----------|--------------|----------|---|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |   |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                    |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                         |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                     |
| 1204         | 86       | 2204         | 43       | **Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2) (\$ 108.00)**

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  | 65       |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     | 55       |
| 1252         | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253         | 950      | 2253         | 475      | Extension for reply within third month                                     |          |
| 1254         | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255         | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |          |
| 1401         | 330      | 2401         | 165      | Notice of Appeal   |          |
| 1402         | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403         | 290      | 2403         | 145      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501         | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |          |
| 1502         | 480      | 2502         | 240      | Design issue fee   |          |
| 1503         | 640      | 2503         | 320      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(g)  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810         | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801         | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) (\$ 120.00)**

\*Reduced by Basic Filing Fee Paid

### SUBMITTED BY

|                   |                  |                                   |        |
|-------------------|------------------|-----------------------------------|--------|
| Name (Print/Type) | Brian M. Hoffman | Registration No. (Attorney/Agent) | 39,713 |
|-------------------|------------------|-----------------------------------|--------|

### Complete (if applicable)

|           |      |                 |
|-----------|------|-----------------|
| Signature | Date | August 11, 2004 |
|-----------|------|-----------------|



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

APPLICANT: Justin P. Marston  
APPLICATION NO.: 10/789,461  
FILING DATE: February 26, 2004  
TITLE: MESSAGING SYSTEM  
EXAMINER: Not yet known  
GROUP ART UNIT: Not yet known  
ATTY. DKT. NO.: 23682-07629

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: \_\_\_\_\_

8/11/04

By: \_\_\_\_\_

Brian M. Hoffman, Reg. No.: 39,713

MAIL STOP MISSING PARTS  
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**RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF NONPROVISIONAL APPLICATION**

SIR:

Responsive to the Notice to File Missing Parts dated May 20, 2004 received in the above-identified patent application,

☒ Enclosed are:

☒ a copy of the Notice to File Missing Parts;

☒ an original, signed Combined Declaration (37 CFR 1.63) and Power of Attorney for Utility or Design patent Application;

☐ an Application Data Sheet;

08/17/2004 BABRAHA1 00000071 10789461

04 FC:2251

55.00 0P

23682/07629/SF/5126447.1

☒ payment in the amount of \$613.00 for the

- ☒ application filing fee;
- ☒ fee for additional claims;
- ☒ missing parts surcharge; and
- ☒ one-month extension of time.

☐ Other

☒ Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,  
Justin P. Marston

Dated: 8/11/04

By: 

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